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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: ALLEN *et al.*

APPLICATION No.: 10/821,018

FILED: April 7, 2004

FOR: THERAPEUTIC LIPOSOME
COMPOSITION AND METHOD OF
PREPARATION

EXAMINER: Kishore, Gollamudi S.

ART UNIT: 1615

CONF. No: 9307

**Supplemental Information Disclosure Statement After First Office Action but
Before Final Action or Notice of Allowance – 37 C.F.R. § 1.97(c)**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

The information transmitted herewith is being filed *after* three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but *before* the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

- ☒ Copies of references 1-20 are issued patent(s) and published application(s) and are not included (see C.F.R. § 1.98(a)(2)(i)).
- ☒ Copies of references 21-67 are enclosed.

3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

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4. Fee Payment (37 C.F.R. § 1.97(c)) or Certification (37 C.F.R. § 1.97(e))

- ☒ Applicant elects to pay the fee under 37 C.F.R. § 1.17(p) \$180.00.
- ☒ Please charge the Deposit Account No. 50-2207 in the amount of \$180.00 to cover the above fee.
- ☒ Please charge any underpayment for timely filing of this paper to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,

Date: 1-10-07

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) (Use several sheets if necessary)			COMPLETE IF KNOWN		
			Application Number	10/821,018	
			Confirmation Number	9307	
			Filing Date	April 7, 2004	
			First Named Inventor	Allen, et al.	
			Group Art Unit	1615	
Examiner Name	Kishore, Gollamudi, S.				
Attorney Docket No.	55325-8148.US08				
Sheet	1	of			

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
	1.	4,913,902		Kilpatrick <i>et al.</i>	04/03/90	
	2.	5,426,112		Zagon <i>et al.</i>	06/20/05	
	3.	5,527,528		Allen <i>et al.</i>	6/18/96	
	4.	5,603,872		Margalit	02/18/97	
	5.	5,719,032		Vielkind, Juergen R.	2/17/98	
	6.	5,840,687		Harkins <i>et al.</i>	11/24/98	
	7.	5,891,468		Martin <i>et al.</i>	04/06/99	
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	9.	6,056,973		Allen <i>et al.</i>	5/2/00	
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	14.	6,936,272		Martin <i>et al.</i>	8/30/05	
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	17.	2004/0191307	A1	Allen <i>et al.</i>	9/30/04	
	18.	2004/0191250	A1	Allen <i>et al.</i>	9/30/04	
	19.	2005/0136064	A1	Allen <i>et al.</i>	6/23/05	
	20.	2005/0169880	A1	Glick <i>et al.</i>	8/4/05	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
	21.	EPO	0 932 391	B1	Sequus Pharmaceuticals, Inc.	5/2/03		
	22.	PCT	WO 94/21281		Liposome Technology, Inc.	9/29/94		
	23.	PCT	WO 94/22429	A3	Liposome Technology, Inc.	10/13/94		

EXAMINER	DATE CONSIDERED
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		Office	NUMBER	Kind Code (if known)				
	24.	PCT	WO 97/07784	A3	Board of Regents, University of Texas System	3/6/97		
	25.	PCT	WO 98/16202	A3	Sequus Pharmaceuticals, Inc.	4/23/98		

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS								
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